IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

Tr.Appeal(C).No. 2 of 2007()

AGAINST THE JUDGEMENT IN TPC.315/2006 Dated 08/12/2006
O.P.(MV) NO.206/98 OF MOTOR ACCIDENTS CLAIMS TRIBUNAL,PALAKKAD

APPELLANT/PETITIONER

RAJAN, S/O. LATE KUNJU, AGED 42 YEARS,
PLACHIMADA MOOLATHARA VILLAGE,
KANNIMARY, CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENTS: RESPONDENTS

1. SHAJIMON, S/O. PURUSHOTHAMAN,
PUTHUVAYAL NORTH VEEDU, CHERTHALA,
ALAPPUZHA DISTRICT.

2. K.K.KOCHUMARAKKAR,
KUMMANCHERI HOUSE, CHANGAMPUZHA NAGAR,
KALAMASSERI, KOCHI.

3. THE NATIONAL INSURANCE COMPANY LTD.,
MANAPPATT CENTRE, HMT JUNCTION,
P.B.NO.17, KALAMASSERI, KOCHI.

R2 BY ADV. C.K.ABDUL RAHIM
R3 BY ADVS. M/S.SRI.MATHEWS JACOB (SR.)
P.JACOB MATHEW

THIS TRANSFER APPEAL(CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

I.A.NO.149/2007 IN TR.A.(C)NO.2/2007

DISMISSED

SD/- KURIAN JOSEPH, JUDGE

27/2/2007 SD/- K.T.SANKARAN, JUDGE

//TRUE COPY//

ahz/

KURIAN JOSEPH & K.T. SANKARAN, JJ.

Tr.Appeal (C) NO. 2 OF 2007

Dated this the 27th day of February,2007

JUDGMENT

Kurian Joseph, J.

This appeal is at the instance of the petitioner in Transfer Petition (C) No.315 of 2006, who is the claimant in O.P.(MV) No.206 of 1998, on the file of the Motor Accidents Claims Tribunal, Palakkad, seeking transfer of the case to the Additional Motor Accidents Claims Tribunal, Palakkad where O.P.(MV) No.194 of 1998 was pending. This is a case where there were four claim petitions arising out of the very same accident and two of them had already been transferred to the Additional Motor Accidents Claims Tribunal, Palakkad and one claim petition had already been decided also. It was in such circumstances, the application for transfer was made. The learned single Judge dismissed the petition. Hence this appeal.

Counsel appearing for the insurance company as

well as the owner of the vehicle submit that they have no serious objection in transferring the case to the Additional Motor Accidents Claims Tribunal, Palakkad since one of the claim petitions has already been decided. Thus, it is fairly clear that it is for the convenience of the parties that the transfer petition is allowed. We set aside the order dated 8.12.2006 in Tr.P.(C)No. 315 of 2006 and O.P.(MV) No.206 of 1998 is transferred to the Additional Motor Accidents Claims Tribunal, Palakkad.

(KURIAN JOSEPH)
Judge

(K.T.SANKARAN)
Judge

ahz/

KURIAN JOSEPH&
K.T.SANKARAN, JJ.

T.APPEAL(C)NO.2 OF 2007

JUDGMENT

27th February, 2007